

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JUSTIN DYE,

Plaintiff

v.

AMDOCS, INC. and SAMRAT
TAWARE,

Defendants

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CIVIL ACTION

FILE NO. _____

PETITION FOR REMOVAL

TO: The Judges of the United States District Court, Northern District of Georgia

The Petition of Defendant Amdocs, Inc. respectfully shows the Court as follows:

1.

A civil action has been brought against the Petitioner Amdocs, Inc. and Defendant Samrat Taware in the State Court of Gwinnett County, State of Georgia, by Plaintiff Justin Dye, said action being designated as Civil Action No. 17-C-04295-2, wherein it is now ascertainable that the amount in controversy is in excess of \$75,000.00 exclusive of interest and costs.

2.

The Plaintiff is now, was at the time of the commencement of this action, and at all times since has been a citizen and resident of the State of Georgia.

3.

Defendant Amdocs, Inc. is now, was at the time of the commencement of this lawsuit, and at all times since, a corporation organized and existing under the laws of the State of Delaware, having its principal place of business in Chesterfield, Missouri.

4.

Defendant Samrat Taware is now, was at the time of the commencement of this lawsuit, a resident of India. Notably, Defendant Samrat Taware has not been served with the Summons and Complaint in the civil action filed in the State of Gwinnett County.

5.

Defendant Amdocs, Inc. attaches a copy of the Summons and Complaint, marked Exhibit "A," a copy of Plaintiff's First Continuing Interrogatories, Request for Production of Documents and Request for Admissions to Defendant Amdocs, Inc., marked as Exhibit "B," a copy of Answer of Defendant Amdocs, Inc., marked

as Exhibit “C,” a copy of Demand for Twelve-Person Jury, marked as Exhibit “D,” a copy of a Rule 5.2 Certificate of Service, marked as Exhibit “E,” a copy of a Rule 5.2 Certificate of Service, marked as Exhibit “F,” a copy of a Rule 5.2 Certificate of Service, marked as Exhibit “G,” a copy of a Certificate of Service, marked as Exhibit “H,” a copy of a Rule 5.2 Certificate of Service, marked as Exhibit “I,” all filed in the State Court of Gwinnett County, Georgia.

6.

As reflected in the attached Affidavit of Gene A. Major, marked Exhibit “J,” Defendant Amdocs, Inc. recently received an April 24, 2018 letter from Plaintiff’s counsel Mr. Matthew T. Wilson of the firm of Princenthal & May, LLC (hereinafter “Demand Letter”). In that demand letter, the Plaintiff, through counsel, made demand for recovery against Defendant Amdocs, Inc. in the within suit in the amount of \$350,000. Plaintiff Justin Dye had not made a demand for settlement in the within action prior to the recent April 24, 2018 Demand Letter. The *Complaint* and the written discovery responses of Plaintiff Justin Dye prior to the Demand Letter had not set forth a claim for damages in excess of \$75,000.00. The April 24, 2018 Demand Letter was the first notice, communication or paper that revealed that the amount in controversy in the within action is in excess of \$75,000.00.

7.

Now within thirty (30) days after receipt of the first paper affirmatively indicating that the within action has become removable, Defendant Amdocs, Inc. files the within Petition for Removal to this Honorable Court. Prior to receipt of the April 24, 2018 Demand Letter, Amdocs, Inc. had not received any pleading, motion, order or other paper from which it could ascertain that the within action might be removable.

8.

As between the Plaintiff and Defendant Amdocs, Inc. there exists complete diversity of citizenship under 28 U.S.C. § 1332(a).

9.

The within Petition is now filed within one (1) year of the commencement of this action in the State Court of Gwinnett County. Pursuant to 28 U.S.C. § 1441, et seq., this action is now removable by reason of diversity of citizenship, there being more than \$75,000.00 in controversy, exclusive of interest and costs.

WHEREFORE, Defendant Amdocs, Inc. files this Petition for Removal of said cause to this Court.

Respectfully submitted this 14th day of May, 2018.

FAIN, MAJOR & BRENNAN, P.C.

BY: /s/Gene A. Major
GENE A. MAJOR
Georgia State Bar No. 466650
RICHARD W. BROWN
Georgia State Bar No. 089279
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CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a copy of the foregoing **Removal Petition** by placing same in the United States Mail, postage prepaid, addressed as follows:

Matthew T. Wilson
PRINCENTHAL & MAY, LLC
750 Hammond Drive, Building 12, Suite 200
Sandy Springs, GA 30328
matthew@princemay.com

This 14th day of May, 2018.

FAIN, MAJOR & BRENNAN, P.C.

BY: /s/Gene A. Major
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RICHARD W. BROWN
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